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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,531	09/18/2000	Richard Wilson	36.P283	4683

5514 7590 04/06/2005

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EXAMINER

ZHEN, LI B

ART UNIT	PAPER NUMBER
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2194

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/664,531	Applicant(s) WILSON ET AL.	
	Examiner Li B. Zhen	Art Unit 2194	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: none.
- Claim(s) objected to: 21-35 and 45-53.
- Claim(s) rejected: 1-20, 36-44, 54, 55 and 57.
- Claim(s) withdrawn from consideration: 56.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


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Continuation of 3. NOTE: Applicant's amendment to claims 1 and 54 raises 112 First Paragraph issues. For example, please note the following.

1. Claims 1 - 55 and 57 would be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Currently amended claims 1 and 54 recite the limitation "wherein at least one of said functional component modules and at least one of said functional application modules contain a software bus connector module which supports communication over the software bus" [claim 1, lines 19 - 21 and claim 54 lines 25 - 27]. Examiner notes that this is a broader presentation of objected claim 21 [Final Office action dated November 30, 2004] because the word "each" in claim 21 is replaced with the phrase "at least one". Claim 21 required each of the plurality of function component modules and each of the plurality of functional application modules to contain a software bus connector module, while the newly recited limitation requires only at least one of the functional component modules and at least one of the function application modules to contain a software bus connector module. Examiner notes that the phrase "at least one" is very broad because it may suggest one or two or three or all, but for the purpose of examination, the phrase would be broadly interpreted as one. Interpreted broadly, the amended claims 1 and 54 recites one of the plurality of functional component modules and one of the functional application modules contain a software bus connector module. Since claims 1 and 54 recite a plurality of functional application modules and a plurality of function component modules, this would suggest at least one functional component modules and at least one functional application modules do not contain a software bus connector module. The new limitation in claims 1 and 54 contradicts the specification because the specification clearly discloses that all of the functional component modules and functional application modules communicate with each other by using a separate software bus connector module and each functional component module and each functional application module contains a software bus connector module [p. 8, line34 - p. 9, line 2; see also p. 25, lines 11 - 21 and Fig. 6; p. 29, lines 1 - 6; p. 30, lines 31 - 35]. Therefore, applicant fails to disclose "wherein at least one of said functional component modules and at least one of said functional application modules contain a software bus connector module which supports communication over the software bus" in the specification as filed.

2. Claims 1 - 55 and 57 would be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As noted in the lack of written description requirement rejection above, claims 55 and 57 suggest that at least one functional component modules and at least one functional application modules do not contain a software bus connector module. The claims and the specification do not suggest or recite what the other functional component modules and functional application modules would use to communicate with each other if they don't each contain a software bus connector module. Throughout the specification, applicant discloses that all of the functional component modules and functional application modules communicate with each other by using a separate software bus connector module and each functional component module and each functional application module contains a software bus connector module [p. 8, line34 - p. 9, line 2; see also p. 25, lines 11 - 21 and Fig. 6; p. 29, lines 1 - 6; p. 30, lines 31 - 35] and does not appear to provide an alternative method of communication between the functional component modules and functional application modules. Therefore, claims 1 - 55 and 57 fails to comply with enablement requirement because they contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.